596 [591] comes and lives with her husband (5). [8]

[575] 5. The polygamous Mututsi does not occupy his own dwelling. He visits in turn each of his wives in their individual dwellings.

597 596 Adopted children are also part of the family. Thus a childless man (inchike) can adopt a son of his brother (umuhungu wachu), failing this, a son of his sister (umwishywa), or that of a friend. A [563] Mututsi cannot adopt a Muhutu child, and vice versa.

[428] [562] As the women cannot inherit, adoption provides a means for a brother to give his sister the benefit of certain advantages, for it has the effect of establishing a nephew as heir (kulaga, lit., to promise his property).

The adopted child acts exactly as if he were the son of his adopted father; he pays homage to the chief for him, he orders his affairs, he defends him in court, etc. The daughters call him brother [586] and if they are divorced they ask him for shelter.

It may also happen that the umwishywa may become at the same time head of his maternal uncle's rugo and chief of the maternal clan (úmutware w'umulyango ya nyina).

597 428 The adopted child may keep the inkazibiti (1) received from

1. Cf. Property; Ownership of Cattle, p. 41.

his true father, but may no longer share in the division of the latter's inheritance. It may also happen that he receives his share (indemano) (2)

2. Cf. idem, p. 42.

before going to his adopted father; in this case while being a client (umugaragu) (3) of the latter, he remains also, by the indemano, a

3. The patron is called shebuja.

client of his true father.

If the adopted child is disobedient or ungrateful to his adopted father, the latter may curse him and send him away empty-handed.

423
184 and in Rukiga (provinces of Mulera and Bugoyi) where the land cleared and cultivated by the Bahutu are subject to a right of family property. This right is sacred and the Batutsi, whose power in these regions is rather nominal, know that they cannot dispute it without exposing themselves to serious miscalculations and even to bloody reprisals.

423
[622] The hill chief also has the right to take a plot of land (ubugerure) from the Bahutu in order to form an ubuka which he wishes [423] to give to someone else or to keep as his own property (imilima y'inyarulembo). The part of the plot that is left to the Muhutu is called isagu.

[428] The Muhutu can transmit his right of exploitation to his son by inheritance. Land that passes from one generation to the next is called indeka.

[574] Land is sometimes held collectively by a family in the person of its head (isambu or ingobyi y'iwabo). Members of the family pay him no rent and, to the exclusion of strangers, have the right to cut firewood and graze their cattle there.

[672] There are also communal woods (itshanya). The hill chief reserves part of them for himself and allows the hill people to exploit the remainder.

[563] The Batwa claim to be the legitimate occupants of the forests. For this reason they often enter into disputes with the Bahutu living near the wooded regions.

[622] Mines and quarries of clay are the property of the chief, but he allows his people to [43] supply themselves there in exchange for a payment (a hoe or some pots).

The boundaries (imbibi) of fields are usually marked by small ditches (impavu) or piles of stones (ibishyinga).

There are no neutral zones between lands.

425
423 An inkungu is a piece of ground that has been abandoned because of the holder's voluntary departure or death without leaving an heir. A man who has been cursed by his father or driven out by the chief because of repeated thefts of cattle, for example, must also abandon his plot. The chief can offer an inkungu (or an ubugerure) to a stranger to the hill who asks to settle there. If he is a Muhutu, he is

SECTION III. INHERITANCE

1. Basis of the Law of Inheritance

428 The principles regulating the laws of inheritance are:

1) Wives and daughters are excluded from inheritance for they can neither bequeath nor inherit valuables.

2) In principle, the inheritance remains in the male paternal line (2);

> 2. A boy may also inherit from his mother's family but only if the deceased, a relative of his mother, has expressed his wish before dying and also, of course, if he has no natural heirs. It may also happen that a stranger inherits from the deceased, if the latter has no heirs.

3) The new head of the family is normally, but not necessarily, the eldest of the sons, with no distinction made between mothers.

2. Designation of the New Head of the Family

[765] 596 428 The period of mourning (kwirabura, lit., to become black) and the purification ceremonies (kwera, lit., to become white) being over, that is, two months after the death (3), the [61] designation of the new head

> 3. The time is reduced to a few days if the couple have not had any children.

of the family (umutware w'urugo rwa se, lit., the head of his father's rugo) takes place.

If the father has died without having been able to make his wishes known, this choice is made by the chief of the umulyango who asks beforehand the advice of the elders. It matters little whether the sons are of different mothers (polygyny, or successive marriages), whether they are legitimate, born of a concubine, or adulterine. Only the qualities required of a future head of the family are taken into consideration.

[763] 596 428 Usually, feeling his end to be near, the father calls the chief of the umulyango and two friends. He dictates to them his last wishes. The wives of a polygamous man do not hesitate to intrigue in favor of their sons and attempt to circumvent their husband -- or even his brother -- using both their charms and their most subtle arguments. The situation is the same in the case of successive marriages.

It is easily understood that often the other sons, especially if they are of different mothers, feel themselves wronged, rightly or wrongly. [691] But they are given the opportunity of demanding justice from the Mwami, the provincial chief, or the hill chief, according to whether they are sons of umutware w'intebe, of igisonga, or simple Batutsi or Bahutu. These authorities will ratify the choice made by the father or the uncle, or else will decide what other young man will succeed his father.

If there is no male descendant, the high position of head of the family falls on the oldest brother of the deceased. In this case, the heir will be both head of his rugo and of his brother's.

[614] He may also be, at the same time, chief of the umulyango, that is to say, of the clan. This is the umutware w'umulyango (or the umutware rwa bo).

If all the brothers have disappeared, their sons inherit by right of primogeniture. [62]

If the deceased has neither sons, nor brothers, nor nephews in his line, his father will succeed him, or in his absence, the father's brother or one of his male descendants by right of primogeniture.

The Bahutu and the Batwa have their own umutware w'urugo. But they are dependent on the same umulyango chief as the Batutsi.

3. Composition of the Inheritance

428 In addition to the high position of head of the family, the inheritance includes:

1) The heavy cattle
2) The clients (abagaragu)
3) Particularly among the Bahutu, the goats and sheep
4) Landed property (1)
5) Movables, personal property (1)

1. Cf. Property, Property in General, p. 34.

●428 Gifts (kugabira, to make a donation) made by the father to one of his sons, called inkazibiti, if they consist of cows, remain the property of the receiver, except in the case of unworthiness such as marked disrespect, repeated disobedience, etc. (kunyaga, to take back).

The active as well as the passive obligations are passed on to the [672] heirs. If they are unable to pay a debt, the descendants of the deceased [426] in direct line -- and only they -- are required to work one or two days a week for the benefit of the creditor's heirs, whether sons or even brothers, until the debt is completely wiped out.

4. Transmission of Property

The property is assigned to the heirs two months after death among the Batutsi, one month after among the Bahutu. However, the tools and objects may be used immediately. [63]

The son who is cursed by his father (igitshibwa or ikivume) must make restitution for everything he has received from him (inkazibiti, indemano); he is obliged to go far away all alone, without his wife or his children, abandoning all his belongings.

To clarify the mechanism of the transmission of property, we will choose four types of inheritance that commonly arise and make a diagram of the four cases.

Case 1. Inheritance of a Rich Mututsi(Provincial Chief or Umugaragu of the Mwami)

Nyirimigabo, chief of a province, dies, leaving five sons born of two wives. These are:

Bihutu, son of Mujijima, married
Nyagatoma, son of Mujijima, married
Nturo, son of Nyirampunga, not yet married
Rusagara, son of Mujijima, still a child
Mahira, son of Mujijima, still a child

On the death of his father, Nturo, the third son, becomes head of the urugo rwa se.

●428 The property will be divided as follows (1):

1. For the definition of the different names designating the inherited property which consists of cattle, cf. Property, Ownership of Cattle, pp. 40-50.

COWS. Nturo, not yet married, receives:

1) The ingarigari of his father, 2,000 heads, for example.

2) The indabukirano given by the abagaragu (simple option).

3) The intore given by the same (obligation).

4) The indabukirano given by his brothers, Bihutu and [64] Nyagatom, by Mujijima in the name of Rusagara and Mahira who are still children, and by his father's friends (option).

5) Part of the inyarulembo of his mother Nyirampunga.

6) In addition, his abagaragu and his friends may each bring him an indoramo cow.

Bihutu, the eldest, receives nothing. But, having married while his father was alive, he received from the latter at the time he was established the iminani, a herd of indemano cows.

Nyagatoma receives some indemano which Nturo withdraws from his inyarulembo (twenty-five, for example). In this way, as he is about to take a wife, he will be able to establish himself. His father [sic] gives him in addition a few inkazibiti (four or five).

Rusagara receives some inkazibiti from Nturo. Being still young he remains with his mother Mujijima, who will later give him some indemano taken from the inyarulembo she received from her husband.

Mahiri, like his brother Rusagara, continues to live with his mother. Nturo also gives him some inkazibiti, and later he will give him some indemano, for his mother will presumably not have enough inyarulembo to give him any.

The inyarulembo of Mujijima stay with her; she reserves some of them to give to Rusagara as indemano, and she keeps the others. The inyarulembo of Nyirampunga are taken by Nturo, who leaves a certain number of them to his mother.

When one of his married sisters comes to announce the birth of a child, Nturo gives her either a y'urugori or a y'ibihembo cow.

428 CLIENTS. The abagaragu whom Nyirimigabo had acquired by giving them some inkazibiti are all left to Nturo. [65] They are given the same as a herd of indemano cows, that is iminani.

The brothers of Nturo, as soon as they are provided with cows, also find for themselves some abagaragu.

The cowherds (abashumba) who look after the cows of the deceased's wives have the same fate as the inyarulembo of the wives: those of Mujijima remain with her cows, until some of them accompany the cows given as indemano to Rusagara and Mahira.

FIELDS, BANANA PLANTATIONS. As head of the family, Nturo can choose the fields wherever he wants on one of his father's hills.

Bihutu and Nyagatoma, who had received a field at the same time as their umananc, no longer have the right to ask for more.

Rusugora and Mahira will receive a field from their mother or from Nturo.

PASTURES. Rules regulating the assignment of fields apply to that of pastures.

RUGO. Each wife of the deceased continues to live in her own rugo, which is surrounded by banana plants, some land for cultivation, and a pasture.

WEAPONS, TOOLS, ETC. They belong by right to the head of the family.

CLOTHING. The same applies to these, but the head of the family usually distributes them to the servants.

Case II. Inheritance of an Average Mututsi (Hill Chief)

Gakire, son of Kanziga, married while his father Gafuku was living, received thirty indemano and three inkazibiti. Kagabo, son of Ligoga, also married, received from his father twenty-five indemano and three inkazibiti. [66]

Kinyogote, son of Ligoga, still a child, received from his father two inkazibiti.

Kanziga and Ligoga each received twenty inyarulembo from their husband.

At his death Gafuku owns an ingarigari of eighty animals.

COWS. Gakire, made head of the family, takes:

1) The eighty ingarigari.

●428 2) The indabukiramo given by his brothers and the clients, as well as the intore given by the abagaragu.

3) Part of his mother Kanziga's inyarulembo.

Kagabo can receive nothing.

Kinyogote remains with his mother. When he is old enough to be married, he will receive from Gakire twenty cows of which the latter will take ten from his inyarulembo, five others from Kanziga's inyarulembo, and five from Kagabo's indemano. In addition, Kinyogote will receive five inyarulembo from his mother Ligoga. In this way he will have twenty-five indemano.

CLIENTS. Kanziga's servants remain in her own rugo. Those of Kanziga belong to Gakire who leaves a certain number of them to his mother. Gafuku's clients are also passed on to the new head of the family.

FIELDS AND PASTURES. Gakire chooses new fields for himself on the hill.

Kagabo receives nothing.

Kinyogote will remain with his mother until his marriage, when Gakire and Kagabo will each give him a field and a pasture. [67]

RUGO. Each widow remains in her rugo until her death, her return to her family, or her remarriage.

WEAPONS, TOOLS, CLOTHING. Their distribution is the same as in Case II [sic].

Case III. Inheritance of a Simple Mututsi

Gakuba, a humble man although a Mututsi, had four children from his marriage with Kampororo.

Karekezi, who married during his father's lifetime, received from him two inkazibiti cows. Gakuba is too poor to give his sons enough cows to merit the name iminani. Besides Karekezi has received a real inka y'igiti.

Kambanda, who is also married, has also received two cows of which one is a real inka y'igiti.

Gapyisi and Kayibanda were still small children when their father died and have received nothing from him.

When he died Gabuka left twenty inyarulembo cows.

428 COWS. They are divided as follows:

Kambanda, appointed head of the family, receives seven cows and in addition one as itako ry'umutware (1) (lit., chief's thigh).

1. In order to provide for the needs of his brothers and sisters.

Each of the other sons receives an equal number of cows (four). It may happen that some cows are not distributed. If there is only one, it belongs jointly to all the sons. If there are two, each of them belongs to two of the sons.

CLIENTS. There are hardly more than two or three and they go to the head of the family. [68]

FIELDS AND PASTURES. The two oldest received a field and a pasture at the time of their marriages. Of the land owned by the father when he died, Kambanda will take two thirds, and the remaining third will be divided later among the younger sons.

URUGO. It continues to be occupied by the mother.

WEAPONS, TOOLS. Are Kambanda's share.

Case IV. Inheritance of a Muhutu

Kimonyo dies, leaving five sons born of three wives:

Tabaro, son of Nyiramgunzu, married during his father's lifetime and having received a field from him

Fuku, son of Nyirambeba

Shumbushu, son of Nyiramgunzu

Karifuni, son of Nyirambeba

Nzabandora, son of Nyiramatama

FIELDS AND TREES. Shumbushu, appointed head of the family, remains with his mother. He receives as itako ry'umutware, in bare ownership, a large part of Nyiramgunzu's banana plantation, the remainder being divided in equal parts between him and his brother Tabaro (also in bare ownership).

Fuku and Karifuni will also each receive half of their mother's field and banana plantation.

428 Nzabandora is assigned Nyiramatama's field and banana plantation.

However, Shumbushu has the right to collect an itako on his brothers' property.

COWS, PASTURES. Usually the Muhutu does not own any pasture and, for even if he has one or two cows, they are inkazibiti and rarely imbata. These animals [69] belong jointly to the sons of the deceased, who go and ask a well-to-do Mututsi for permission to continue taking their animals to pasture on his land.

SMALL LIVESTOCK. The flock of goats and sheep is divided among the sons. The head of the family in addition takes the itako.

RUGO, CROPS. Each of the wives remains in her rugo and disposes of the surrounding crops.

WEAPONS, TOOLS. Are taken by the head of the family.

Inheritance of a Mutwa

The inheritance of a Mutwa amounts to very little, a few goats and sheep, some tools and utensils. He may however own a small field (ingobyi y'urugo), or sometimes even a fairly large tract of land (igikingi), usually received for choreographic skill.

5. The Fate of Widows

587 When the time of the kwirabura and kwera has expired, the widow (umupfakazi) may remarry.

If she accepts as her new spouse a member of her husband's family, such as the head of the family (except for her own son) (1), one of her

> 1. The son who is head of the family may take as wife one or several of his father's widows if they do not belong to his mother's family. An uncle may not marry his niece.

brothers-in-law (her husband's brothers), or her father-in-law, then the wife remains in the rugo where her new husband will visit her. No dowry (inkwano) is paid for a widow who remarries, and the wedding takes place without the customary ceremonies.

429 chosen as guardian. In this capacity he exercises the prerogatives
768 of the paternal authority and manages for his wards the property left by the deceased.

If the male relatives on the paternal side have died, one of the maternal uncles will be guardian. In effect as each of the couple continues to belong to his and her umulyango, the children are members of both families.

429 Emancipation, which occurs normally at the moment of marriage comes when the young man reaches eighteen years of age. But it may happen that the children, having reason to complain of their guardian, go and seek justice, according to their rank, from the hill chief, the provincial chief, or the Mwami. When they are grown they may even emancipate themselves (proprio motu) by driving out their unworthy guardian.

8. Irregular Inheritance

● 428 While daughters are excluded from inheriting by the law of inheritance, they are always presented with gifts by the new head of the family, at least when he is their brother.

As far as the Bahutu are concerned, the following case may arise: A Muhutu, umugaragu of a rich Mututsi, has a daughter who is a servant to his master and who is married to another servant. When his client dies, instead of taking back the cows, the master can give them to the daughter's husband, who thus becomes his umagaragu.

When a wife dies, the few ornaments she owns (necklaces, bracelets) do not go to her daughter, but to her stepdaughters (her husband's daughters). With the political chief's permission, the mother may also give them to her son who was living with her and who will later on give them to his wife.

428 A man who has no sons (inchike) or who has cursed them may adopt
597 a son of his brother (umuhungu wachu) [73], or in his absence, a son of his sister (umwishywa). He promises him his inheritance and his inheritance and his nephew becomes his true son (1).

1. Cf. Personal Status, the Family and the Clan, p. 4.

428 608 429

A man who has concluded the blood pact (kunywana) (2)

2. Cf. Personal Status, The Blood Pact, p.13.

inherits from his blood brother (umunywanyi) if the latter dies without leaving any male relatives. He may marry the wife of the deceased but not his daughter, who is considered as being his child, and he exercises paternal authority over the orphans.

429 If the deceased is tied to a patron by a lease of livestock and has no brother, the guardianship of the children who are minors belongs to the shebuja (kumuremera). In the opposite case, the shebuja shares it with a paternal or a maternal uncle of the orphans. If the patron has paid his client's dowry, he will take the dowries given for his umugaragu's daughters and will keep them to enable the boys to marry. Thus, in this case, a Mututsi becomes chief of the Muhutu's rugo.

9. Reversion of Property in Escheat

428 As women do not inherit, in the unlikely case of the deceased having no male relatives, his patron takes back the cows that belonged to him and appropriates the small livestock, tools, etc. (inzungu) (3). The fields, banana plantations, and pastures left

3. From guzungura, " to inherit without being a relative."

under the same conditions (inkungu) (1) go to the political chief who

1. Cf. Personal Status, the Family and the Clan, p. 4.

assigns them to another man. But widows are authorized to live in their own rugo.

If the deceased is not tied by an ubugaragu contract, all his property goes to the political chief who disposes of it as he sees fit.

364 they exist, make it their business to remove the worst. Accord-
356 ing to the descriptions of most travelers, cleanliness and care
342 in the construction of huts and farmsteads seem to be least in north and northeast Urundi. Personally, however, on my journey across central Urundi I found the most beautiful settlements in the west and the dirtiest and worst constructed in the east. Von Trotha, for instance, says of northeast Urundi: "The indifference of the people toward cleanliness and careful construction of houses is incredible. Only the chiefs have well-built dwellings, and in the environs of their houses dirt is not yet piled up like a fortress as is the case among their subjects" (No. 8, p. 62).

356 When the hut becomes old and dilapidated, it is repaired, but even so it hardly ever lasts longer than five or six years. After that time it has to be completely rebuilt. After the owner's
● 429 death the widow or unmarried children continue to live in it, and after the family has been dissolved, the house is torn down.

592 Since each farmstead may include up to six or eight residential huts, depending on the prosperity of the owner and
361 how many wives he has, and since a cluster of kraals or a village often contains four, six, or more kraals, a village may shelter up to 60, 80, and more people. Usually the settlements are smaller, although in banana-growing regions the wide expanse of banana plantations, among which the kraals of the Bahutu are hidden, may create the impression that the villages or clusters of homesteads are much larger.

556 Rich people and the Batussi lords, however, are not con-
592 tent with a single kraal including several huts. They build several kraals adjoining each other so that it is possible to pass
342 directly from one to another. The front hut serves as a living and reception room for the master of the house and also as a shelter for the cattle at night; the center huts are for the women and children; and the rear hut is for the servants and is used as a kitchen and storage place, the cooking place, etc. (see Fig. 1). For the rest, the huts and homesteads of the lords, princes, or even of the king scarcely differ from those of the common Batussi and of the "better" Bahutu, either in their furnishings or in their cleanliness; they are merely larger than the latter.

2. Administration of Justice and Social Conditions

428 In the families of those Barundi (Batussi, Bahutu, and Batwa) who do not hold an office, the eldest son (or daughter) of the first wife is the secular and religious principal heir of the father. He inherits (kuraga) the largest share of the available family property, while the mother and the other children each receive equal shares of the remaining property. If the mother [429] is already dead and the children still small, the eldest son as the principal heir is expected to provide for them. If a 428 Murundi dies without children and leaves a widow, his brothers 768 divide his property among them, and the widow returns to her 587 family. However, a widow with children becomes the wife of the brother nearest to the deceased (levirate), and she and her children remain in the same house as before. The family stays together until the children are married and set up their own families (No. 19, p. 285). According to von Langenn, only sons receive the inheritance; they then support the mother and sisters. If there are no sons, either the widow or the daughters, as the case may be, are the heirs.

The eldest son also inherits the religious and professional 428 attributes and skills of his father. If the father was a priest 463 (kiranga), sorcerer, medicine man (umufumu), or blacksmith 868 (umususi), etc., the eldest son becomes -- or remains -- in the same position or profession by inheriting from his father the insignia and tools, in addition to the expert training. Thus, certain professions remain the prerogative of certain families. If the mother is an expert of some sort, she will pass on her skills to her eldest daughter.

428 If someone dies without leaving a family or relatives, the mutwale of the district in question inherits the property (No. 19, p. 568). Since no written laws of any sort exist, all law is 671 customary law, tradition, and usage. Every adult Murundi is 563 familiar with these customs, and if anybody infringes them, it is regarded as a punishable violation of the law. Even the king considers himself bound by them in his relations to the Batussi and only under exceptional circumstances [93] does he disregard

595 afford it lives in polygamy in order to have workers to manage his property and to maintain his social position, in order to be able to associate with one wife when the other one is unapproachable during confinement, and for other reasons which are mainly of a practical and economic [109] nature rather than erotic. Thus, many Batussi have two wives, the bigger chiefs three or more, and the king has an entire harem. The Batwa, however, are almost all monogamous because of their poverty (No. 19, p. 447).

There is a widespread custom among the Bahima of Ankole and Kisiba whereby several brothers who are too poor to afford a wife individually pool their resources and buy one wife between them; the children belong to the oldest brother (No. 27, p. 105). This custom of polyandry is apparently very rare in Urundi.
[837] However, brothers of a family are often excessively intimate with their brothers' wives.

In Urundi each wife has her hut and her household in a separate kraal. Among prosperous Batussi two wives seldom live within the confines of one enclosure. Usually their houses are a long way from each other, whenever possible on different mountains. The husband is alternately the guest of one or the other. In polygamous families the wife by the first marriage is
● [428] the head wife, and in matters of inheritance her children take precedence over other wives' children. In addition to regular marriages, concubinage with women of a lower social class exists.
[429] The concubine (umukeba, umugensi), although recognized
[563] socially, may be dismissed at any time and she and her children
[842] have no right of inheritance. Since Bahima wives are not very fecund, many Batussi men take Bahutu women, who are much more fecund, as concubines in order to increase the number of children in the household. This often happens in other Bahima states, and the consequence is that many Bantu in this area have a strong admixture of Bahima blood (No. 17, p. 631). Marriage
[583] on a temporary or trial basis is unknown among the Barundi;
548 marriages are, after all, contracted and dissolved so easily that such provisional unions are unnecessary.

614 Abasinga, Abagessera, Abasiete, etc. /46/

2. Bahutu Ethnic Group

a) Oldest clans:
Ababanda, Abagessera, Abazigaba, Abungura, Abasinga, Abatchaba or Abiru, etc.

b) Secondary or recent clans:
Abambari, Abalevu, Abalindwa, Abatabo, Abahindi, Abakora, Abahigo, Abahuma, Abatembe, Abaziko, Abashobyo, Abondo, Abanyunjo, Abajongo, Abachira, Abakwa, Abanyoni, Abungura, Abalimba, etc.

3. Batwa Ethnic Group

563 They borrow their designations from the Bahutu for most of
614 their clans. Although of Bahutu origin, the Bayovu are linked to the Batwa race. They are regarded as a degenerate group because, like the Negrillos, they eat animals considered impure and make pottery.

In spite of their more or less artificial division into tribes, the Pygmies actually regard themselves from a social point of view as part of one single group called Batwa. They practice what we call solidarity among themselves.

If one of them is killed, the whole group feels injured and
[574] rises to avenge him. A Mutwa /sing. of Batwa/ who travels is everywhere offered hospitality by his "brothers," even if they do not know him.

421 Property rights exist among the Banyarwanda. They are well defined by custom and tradition, notwithstanding temporary injustices and the discretionary powers of the king and of the chiefs. Everyone recognizes those rights and accepts them in principle. No one fails to exercise them or claim them.

They are taken into account in legal proceedings.

Daughters do not inherit but are taken care of by their brothers
● 421 until the day they marry. /47/

●428 Only boys share in the real estate (1).

1. As exceptions to this rule, one finds a few joint patrimonial domains which the co-heirs exploit together under the frerage (or frareshe). This kind of landed property is called isage (or ingaligazi).

The oldest son, or at least the one appointed by the dying man to succeed him, receives a share slightly larger than that of his brothers, owing to his right of primogeniture. If there are three heirs, the property is divided into three lots of equal size except for one field or one small banana grove.

This /latter/ parcel is called umusaya and is added to the share of the first heir.

Cattle and sheep are divided equally among them.

311 423 One does not find any free or abandoned land in Ruanda. There may be more or less extensive areas that lie fallow because they are not very fertile, or because the presence of wild beasts makes them too dangerous, or because they are too remote from inhabited centers or too extensive in relation to the population size, but they are not on this account res nullius /Tr.: nobody's property/. Their owners always retain the right to use them and take effective possession of them whenever they wish.

Forests, mountains, moors, marshes, and bogs are divided into a multitude of lots whose owners are publicly known.

[661] Through an abuse of authority, the chiefs may temporarily reserve for themselves part of the plateaus, valleys, or marshy lowlands to graze their cattle.

In spite of this, their subjects retain proprietary ownership of these lands and grasslands and they will not fail to assert their rights at the first opportunity, for example, when a chief departs or when he is replaced.

In some regions it frequently happens that the arable plots no longer meet the /48/ needs of the population. Then those men who

428 543 The line of behavior followed by the Banyarwanda when it is time to make a will shows that their social organization, /49/ though far from perfect, is superior to that of many other Negro tribes.

Hamites, Bahutu, and Batwa are anxious to express their last wishes clearly in order to leave nothing unforseen and in order to keep chicanery from creeping in among the heirs.

While alive the father gathers his children around him on a day he selects, or, if he wishes to lend more solemnity to the occasion, he goes with them to the hill chief and offers him a beer as an introductory gift. Among his male children, he appoints the one he likes best as his principal legatee, whether it be the oldest, the youngest, or any one among them.

The chosen son will succeed him in his role as head of the family to levy taxes on his brothers in the name of the king or of the Hamitic chief, and will deal with the latter in matters concerning the small group.

[578] A father may disinherit and curse a son who has given him serious grounds for complaint, who has not shown him due respect, who has insulted him, abandoned him in times of misfortune, or defected during legal proceedings. "May he bear no more children," he exclaims, spitting into one hand and then into the other. "You have behaved badly toward me. I cut you off from my family, I [539] curse you." (1)

1. Ntabyare! Ntaheke! Wambereye gito, nanje ndaguchiye mu bana banje!

As we have already said, the family property is divided into as many lots as there are boys.

The same holds true for the livestock, cows, goats, and sheep. Each son receives an equal share.

The executor of the will, as the eldest son or head of the family, adds a small field or a piece of a banana grove to his patrimonial share.

While his father is still alive, he usually receives a cow, called "obedience cow" (inka y'indabukirano) to confirm his authority

428 over his brothers. As an act of vassalage, the latter must in turn /each/
593 give him a beer, a hoe, and a sheep. /50/ They acknowledge his superiority thereby, and place themselves under his dependence. In return he must show interest in them and in their legal proceedings, take care of their affairs in the event of illness, defend them against one and all.

[429] Daughters have no right whatever to inherit from their father. Before he dies, on the other hand, the father appoints one of his sons to look after each one of them to take care of her future, her marriage, and to watch over her until she marries.

851 A daughter whose bride price was paid for in cows receives
431 a heifer from her father or brother when she comes to show them her first born. Among wealthy families, she is given a cow at the birth
[556] of each male child. Among poorer families, the gift consists of a young bull, a goat, or one or two hoes, depending on the amount of the bride price (1).

1. A cow given under these circumstances is called "young mother's cow" (ichari, umwari). The young bull obtained under the same circumstances is called "woman's garment" (inkanda), because the animal's hide must theoretically be used to clothe the happy mother.

According to the Banyarwanda custom governing the occasion, the child's father must give three jugs of beer and a basketful of cooked food to his father-in-law or to the brother-in-law who is his wife's guardian.

428 Upon their father's death, daughters merely receive garments made of cowhide, hoes, or sheep, which on account of the bereavement are called by the name of "salary or reward for tears."

428 [768] The widow whose son was chosen as chief legatee usually enjoys the use of the family property until her death. The sharing is definitively carried out only after she has left this world. A childless widow is usually sent away by her husband's relatives, who share among themselves the property of the deceased. On being dismissed, she is left merely with a mat and a few household utensils. If she is fairly young, one of her brothers-in-law takes her as a concubine or gets her another husband. /51/ When a child loses both parents, he 429 is given a guardian. The legal guardian is the paternal grandfather, or lacking him, an uncle, a paternal first cousin, or lastly the chief of the village himself.

Maternal uncles and aunts, especially if they belong to another clan, cannot as a general rule manage the orphan's property. This would give rise to disputes and legal porceedings among the members of both tribes. They may bring up the child at best.

The guardianship devolves by right to relatives on the paternal side. They administer the ward's property until he comes of age, [582] that is to say, until the day when he takes a wife. This usually happens at the age of eighteen or nineteen.

If only daughters are left, the nearest paternal relatives [428] inherit the family property, but they must take care of the orphans until they marry.

If a person dies childless and leaves no relatives, his property devolves by right to the hill chief. This property is called inkungu.

[165] The families are large, but child mortality is high.

851 Eight days after his birth the newborn child receives from his
551 father a name that befits the circumstances (1). The mother /52/ is

1. "We notice that all men," says Mgr. LeRoy, "give themselves names that characterize them, and frequently the best one they could find was that of an animal whose strength, skill, agility, or beauty they had noticed, of a plant that was useful to them.... of an object or phenomenon which had struck them." (Les primitifs /Primitive Peoples/, p. 126.)

614 842 Since the groups involved in this arrangement are small and conditions simple and clear, no one can forget that the welfare of the individual is directly dependent on the welfare of the clan. Hence everyone is very much concerned that the clan appear powerful to the outside world. It must be as large as possible and always ready for war. No effort must be spared to achieve this; otherwise the members of the clan have no protection against plunder, impoverishment, and even complete extinction. The man as well as the woman must be considered from this point of view, and producing children is, therefore, the most important duty of the individual. This explains the completely unenviable position of the childless woman. For the same reason, sons whose descendants will augment the number of clan members are preferred to a daughter, even though one can always trade her for a cow.

614 563 The importance of the clan's strength and fighting fitness, even today in Bugoye, was convincingly demonstrated to me by the fate of my Muhutu informant's father. Several years ago their clan was scattered by advancing Batutsi. Only his father remained on the old clan property, along with the [234] children and his uncle. Since there were only a few men in both families and they were too weak to defend themselves, the Batutsi simply settled on the land and indulged in all kinds of suppressive measures against the weaker farmers. At the time of my visit, for example, they took away a whole hut and carried it to their settlement, instead of building a new one for themselves.

614 628 Every individual is under the protection of the clan. This makes it possible for a person to lead a more or less secure existence. Clan organization represents a sort of social guarantee which is directed primarily against the misdeeds of fellow tribesmen who do not belong to the clan.

614 627 Moreover, the clan exercises control over its members, and, if serious offenses are committed by individuals who endanger the interests of the clan, they can even be exiled.

614 627 428 The clan may also interfere in family matters and, above all, in disputes about inheritances. Although the father can dispose of his property as he sees fit, nevertheless his decisions presuppose the tacit approval of the clan. If the interests of the clan are

614 endangered by his plans for dividing his property, for instance,
627 if he impoverishes several of his sons, the clan often steps in,
428 overrides his decision, and apportions his estate in a way that seems to it more suitable. With the disintegration of the clan and the increased power of the chief, this power passes to him, and he has the final word.

614 The rights of the individual are always sacrificed to the
423 interests of the clan. In Bugoye I even heard that all the clan property is re-apportioned if the fields have become concentrated in the hands of a minority. This re-apportioning, I was told, is called kutshura hasi.

614 At present, under increased taxation and the Batutsi supremacy,
651 it is said that sometimes clan members who cannot pay their taxes are driven out and even replaced by outsiders. The latter then participate in the tax payments which are made in common. Such instances are possible, of course, only when clan organization disintegrates.

614 The clan also protects its women. If there are daughters in a household who have no guardian after the death of their father, they are taken into their brother's house as paternal aunts.

614 The protection of female clan members does not extend to
591 their husbands, however. If husbands settle with their wife's clan
768 without being adopted, they are not regarded as equals. This happens primarily when a widow and her children remain with members of the husband's clan and she takes a man into the house. The latter can simply be driven out after the woman's death.

671 In Bahutu Ruanda, society does not protect the weak. The
614 [235] individual who is on his own, not protected by any group,
178 is without legal rights and can be oppressed and even slain by anyone. Such attacks are not punished here. In the oppression of the defenseless, they see nothing anti-social since actually it achieves better organization. This is the principal means by which the unyielding masses are united into well-organized groups. Here we cannot fail to recognize the connection between the development of the clan system and the absence of general legal norms. That is why the disintegration of clan organization caused by the Batutsi is accompanied by the establishment of universal norms, despite all the despotism that accompanies conquest. Now the individual

681 Punishment by whipping seems to be done less in Ruanda than in Bgisha where the chief ties people to trees and has them punished with up to 100 strokes of the whip on their backs. This [177] custom is said to have been borrowed from the English Askari who were stationed there.

On the subject of property rights we wish to make only a 423 few general remarks. The entire country is the private property 428 of the king and is regarded as either entrusted to the chiefs or granted to the clans. All the farmers and herdsmen are merely tenants or have the use of the land. As a consequence, the chief and clan community have the final word in matters dealing with the inheritance of usufruct of so-called crown property, that is, fields and cattle.

Only household goods, with the exception of cows, are private 422 property in our sense, and here the wish of the person disposing of 428 the property is decisive, although certain time-honored customs cannot be circumvented. In Bugoye, for example, the oldest son gets the spear and the stool of his father, whereas the shield belongs to the youngest son. (2) Lieutenant Spiltoire told me that in

2. Classe, Father, Moeurs et Coutumes des Bagoye [Manners and Customs of the Bugoye] (Les Missions Catholiques, 1905), p. 439.

Bunyabungu, the principal heir seems to be the son of the sister, but because of his brief visit, he could not verify this.

692 Administration of Justice. In Ruanda the administration of 695 justice is in the hands of the chiefs and the king.

Pronouncing judgment is only of secondary importance, but [280] the chiefs regard it as a sure means of gaining influence. The two parties regard the trial as an attempt to interest a powerful one -- a chief -- in their affairs, that is to say, to make their affairs the affairs of the mighty. The one who wins a case is simply the one who was more highly regarded by the chief and with whom, from now on, it is dangerous to quarrel. In Ruanda it is a long process from the pronouncement of justice to the execution of it.

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614 3. Abakono.
4. Abagisere, totem, *enyamanzi*, wagtail.
Sub-divisions:
(*a*) Abasinga, totems, *enyamanzi*, and *lubombo*, a cow.
(*b*) Abazigaba, " "
(*c*) Abatyaba, " "
5. Abazigaba.
6. Abasinga.
7. Abawungara.

[582] The members of this clan intermarry and also marry people from outside tribes and from the clans Abakongole, Abaswere and Abasinga, but not from other clans, for these four clans were despised people and men of other clans would not marry girls from them.

8. Abatyaba, totem, *enyamanzi*. Abanyiginya and Abega clans refuse to marry girls from this clan.
9. Abasindi, totems, *mpekhi* and *efuti*.
10. Abakongole.
11. Abasambo, totems, *epu* and a house burned down and lightning. These came from Ankole.
12. Abaswere.

GOVERNMENT

643 692 The head of the country was the king, whose title was *Omwami* or *Mugabe*, and all important cases had to be brought to his court (*Kambera*) for trial. The king, however, did not 634 appoint the great chiefs or *Abatwala*, for their offices were ● [428] hereditary and they had been appointed by former kings, who divided the land into some forty districts and put a district chief over each. When, however, a district chief died leaving a son who was too young to manage the estate, the king appointed a guardian, often a brother of the dead chief, who administered the estate until the real chief was old enough. The new chief might then give his guardian a chieftainship under him and retain him as an advisor. If the guardian did not receive or accept such an office, he went to the king, who found him some post.

634 693 Each district chief was the magistrate in his own district; but appeal might be made from his jurisdiction to the court [203] of the king, to which the chiefs were summoned by crier, for

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be consummated until he had gone. The rest of the bride's party left on the second day, after receiving presents. 585

A son-in-law did not fear his wife's parents, but was regarded and treated by them as a son. [606]

A man might marry as many as five wives, but he brought only one of them to live in his own village; for the others he built houses in their villages and visited them there. If he was wealthy, which was usually the condition of a man who married more than one wife, he gave each of them cows to supply her with milk, a man to herd them, men to dig her field, and also maids to wait upon her and work in her field. 595 [556]

A wife was usually restricted to her husband in sexual intercourse, but when a great friend of the husband paid him a visit he might permit him to live with one of his wives who acted as the visitor's wife for the time. It was, however, more usual for a guest to go to another house with his own wife, or for the host and his wife to sleep on a mat on the floor and leave the bed to the guest and his wife. 837

Illness and Death

When a man fell ill, his wife informed his relatives and a medicine-man was summoned to discover by augury whether magic was being used or whether the illness was the work of some ghost. If magic was found to be the cause of the illness, the name of the person using it had also to be discovered by augury, and he was accused and brought before the king or some chief to be tried. Invariably a man who had been discovered by augury to be guilty was condemned without question; he might appeal to the poison ordeal, but he had very little chance of escape, and was always put to death. If the augury showed the illness to be due to a ghost, a bull was offered to the ghost and it was begged to stop troubling the man. 754 [787] 695 683 [775] [782]

Before a man died he generally named his heir, who was usually one of his sons, though not necessarily so and not always the eldest son. If a man died without having named 428 [763]

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428 his heir, the king or his clan appointed someone to inherit his property.

764 When a man died, all ornaments and clothing, with the exception of a loin-cloth, were removed, his legs were bent up into the squatting posture, and his head was shaved. A cow was brought to the bedside, a little hair from it was put in the right hand of the dead man and a little milk milked over it. This hand with the hair in it was then placed under the head.

In the case of an ordinary man, the grave was dug by the relatives or servants in the garden near, or, should he have no land, in some secluded spot, and the body was buried there.

766 Should he, however, be a wealthy man, the grave was dug big enough for a bedstead to be placed in it. This was covered with skins, on which the body, wrapped in mats, was laid and covered with skins of wild animals and cows. A second bedstead was placed on top of the first to keep the earth from the body, and the grave was filled up with earth, which was piled into a mound over it. The weapons of a dead man were put on his grave, and in the case of a woman her flour basket was buried with her.

764 A hut without any doorway was built over the grave and a growing fence planted round it. There was always the fear that someone might disturb the dead by digging up the body for the purpose of working magic, and the heir was therefore responsible for keeping this fence in repair until it had grown big enough to keep off people and cattle, after which no further attention was paid to it. After the burial all the people who took part in it were given hot water to wash their hands before leaving for their own homes.

765 A cow was brought and killed by the grave after the burial and was cooked and eaten by the mourners. The skin was dressed and worn as mourning by the heir, or by some favourite child of the dead man, for two months, during which time he might not come into the presence of the king. The mourners might neither wash nor shave. They lived together in one house, avoided all other people, and had to be strictly chaste lest they should incur the ghost's displeasure.

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After the mourning the heir was purified by an elder of the clan, and he then took the mourning garment and buried it in some secret place. The mourners shaved their heads and hid the hair. A medicine-man decided whether the house of the dead man might still be inhabited or not. If the people were permitted to remain there, they, the place, and the pots had to be purified; but if they had to go they gave the pots and furniture away and left the house to fall down. 765 [783]

The heir was purified again by an elder of the clan and then went to buy a cow, which he took to the king, whom he was not on this occasion allowed to see. The next day he visited the king, taking a present of a young bull, and informed him of the death. This reception constituted his acknowledgment by the king as the dead man's heir, but if he proved unsatisfactory he might later be dismissed from the chieftainship. 768 [643] [431] [428]

The heir took all his father's widows except old women and his own mother. He even took widows with children, and the children regarded him as their father. [587]

When a married man lost his father he lived apart from his wife for two months, and on the death of his mother he avoided his wife for one month.

586 851 768 is, however, an exception recorded, where, on a man dying leaving only female children, these were taken charge of by the village headman. The right to custody sometimes involves investigation of paternity, the nature of which is fully understood.

[691] *Instances*: A man sues his wife's new husband, after divorce, for payment of bride-wealth or else for custody of a child of which he claims she was pregnant when she left him. A count of months establishes the paternity of the new husband.

The son of a man deceased sues the man to whom the widow has gone, she then having a four-months' old child, for the first offspring of the new union as well as the other child, on the grounds that she was pregnant at the time of her husband's death. The Court finds that no woman has ever been heard of suckling a four months' child and pregnant of another, and therefore awards the eldest child only.

In a third case, it is necessary to establish paternity as between three possible fathers.

[862] An unweaned child will remain with its mother till weaned. If not claimed then, her relatives or new husband may claim recompense for the cost of bringing the child up: in one case a goat is to be paid, in another, half the milk of a cow, and 3 hoes.

768 ●428 As a corollary to the right to the custody of a child, the heir of a man who has died has the right to the bride-wealth in respect of a girl-child, when the widow has returned to her relatives and the child has not been claimed before she reaches marriageable age, subject to a deduction for the cost of bringing her up.

[691] *Instances*: In the case just cited, the milk and three hoes represented a deduction from the total bride-wealth of a cow and five hoes.

In another case, the woman's relations resist such a claim on the ground that when she left the heir, her son, and went home, he claimed only her clothes but not the child. Their case fails.

[681] In one case, a man lost his reason, and his wife went off to another man with her three children, of whom two were females. This other man married off one child and betrothed the other. Both contracts were dissolved, the man was fined and in addition was made to refund to their father 14 hoes which had been handed over for maintenance of the children.

586 Dissolution of marriage is found to take place on numerous grounds. The records disclose causes of offence by the husband as follows:

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to the oldest brother's as regards her younger sisters. But the importance of seniority was less stressed among sisters than among brothers. There was often rivalry between married sisters as there was no taboo on intercourse between a woman and her sister's husband.

Sisters and brothers were playmates during their childhood. After puberty their relations were restricted, but certainly not to the point of avoidance. As girls did not inherit from the father, as they were the prospective paternal aunts of the future children of their brothers, the relations between siblings of opposite sexes did not manifest the same covert strain as that between brothers.

Parallel paternal male cousins of Ego were assimilated to his brothers, but as there was no inheritance rivalry, and as Ego was not required to manifest a particular respect for his eldest cousin, Ego's actual relation with his parallel cousins was in fact more fraternal than with his brothers. Ego considered the daughters of his paternal uncle as sisters with whom there was a marriage prohibition. There was consequently a certain reserve between them which, however, did not prevent them from exchanging obscene jokes at a celebration or a gathering, but any sexual acts were severely tabooed.

(d) Organization and activities of the umulyango and the ubwoko

The two other descent groups may be described much more briefly. The secondary patrilineage when it had just divided from the primary group continued to share in the previous functions of the formerly united inzu. There were still gatherings of the descendants of the umulyango's ancestor, mutual aid, judgements in disputes, and participation in the blood-feuds. But gradually these activities were confined more and more within the new inzu and after an intermediate period, the umulyango generally disappeared as a corporate group.[13] Obviously if the splitting was due to a change of residence or a dispute, the functions of the former inzu were very quickly assumed by the new one and relations with other branches of the former inzu (which then constituted an umulyango) were not very close.

Did the umulyango as such have any special characteristics or activities? All our informants agree on the rule of exogamy.

[13] For a definition of a corporate group see Radcliffe-Brown and Forde, 1950, p. 41.

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Firstly, all these ceremonies did not take place when the bride had already been married before or when the girl had been struck by lightning because, as I was told, she was considered to have been raped by the king (thunder being one of the symbols of the king). Secondly, the spreading of the herbs and milk mixture had to be done by surprise and the girl had to cry immediately afterwards. Thirdly, in the first intercourse the girl had to struggle and penetration had to be achieved by force.

For about ten or twelve days the young couple lived semi-secluded in a hut in the groom's father's homestead. Then, at the end of that period, there was another ritual celebration (*gutwikurura*) attended by those who were present at the marriage. The central rite of the ceremony was a dance by the new couple in public. After that, the young wife was allowed to cook for her husband for the first time. The latter was given by his father his share of inheritance, and the couple settled in a compound of their own. Residence was occasionally neolocal but usually patrivirilocal (at the HuFa's).

(*d*) *Polygynous unions*

Ruanda may be said to be a polygynous society in two senses. Firstly, polygynous unions were culturally preferred. Secondly, probably thirty per cent. of the unions were polygynous.[7] It was no grand scale polygyny. A man rarely had more than four wives. Usually a polygynous Tutsi had two wives, a Hutu three or four, and a Twa two.

Supplementary wives were an economic asset for rich people, as a Tutsi having herds of cattle in different places found it very useful to be able to put a wife in each of his homesteads as manager; but if he had only such cattle as he could care for himself, a second wife was an expense. It was the same for a Hutu: if he had so many plots that he could not cultivate them all by himself and with the help of his wife, a second one was very useful. If not, she was rather expensive.

To have several wives was also to have many children, which were very highly valued by all Ruanda. For Tutsi occupying very high positions, plural union was a means of establishing useful

[7] 'Any society in which plural unions, however strongly favoured, actually occur in less than this percentage [set arbitrarily at 20 per cent.] of all marriages, is considered monogamous with respect to the family [. . .]' (Murdock, 1949, p. 28).

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fifteen were in charge of cattle herds and were absent for several days and nights from the compound. They also hunted with their fathers.

Even before puberty, some socialization processes took place outside of the nuclear or polygamous family. Mythological tales about the material world, the origin of man and animal species, the arrival of the Tutsi in Ruanda, beliefs concerning *Imana*, the spirits of the dead and other beings from the invisible world, the history of the kings of Ruanda, of the military conquests, folk-lore and poems about cattle, and stories of the ancestors and the lineage heroes were transmitted to the younger generation by the grandfather. He was also the main agent of education in the modes of behaviour indicating what was to be done and what was to be avoided in order to gain social approval.

Between puberty and marriage the further education of Tutsi boys took place at the court of a chief or of the king. Hutu stayed in the paternal compound, mastering the different techniques of cultivation and also the attitude and abilities necessary for them to be appreciated by the lord. Sometimes the young man replaced his father in the service of the lord.

What has been said in this section up to now applied equally to each compound of the polygynous family. Children of different wives were not brought up together. In each compound the mother had a role very similar to that of the mother in a nuclear family. There was no head-wife. Usually one was preferred by the husband (*inkundwakazi*, the favourite one), but because of her qualities (obedience, tidiness, beauty, &c.), and not because she was the first married. But the fact that the eldest son of the first wife often succeeded to the father, gave her a particular importance and respect by the others because, after the husband's death, all of them would probably be dependent on her eldest son.

The mutual behaviour of wives and their children has been mentioned before. It may be summarized as: respect to the favourite wife and the first wife, and good 'fraternal' relations between all the wives and the children. This was the ideal behaviour which was often overtly maintained as long as the husband was living. But according to all our informants, the modal and covert behaviour was jealousy and hatred. A polygynous family was often designated by the word *amshali*, whose root *ishyali* means jealousy, and one wife used to refer to another as her *mukeba*, rival. In these

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different uses of the same thing. For instance, one person could have the right to sow a plot and to collect the harvest and another to use it for grazing purposes at another time of the year. Neither of them was considered as the owner letting somebody else use his property as a pasture or as a ground for cultivation.

On each pasture, cultivated plot or forest area, the king had a right very similar to the *dominion eminens* of Roman law, the kind of public ownership that a State has over the land within the borders. But he had also the right to prevent, if he chose to do so, somebody from using a particular tract of land in any way at all, which amounts to saying that the mwami had over land a right potentially superior to that of anybody else. The mwami's rights could be opposed to 'private rights'. In fact, the king very rarely insisted on this use of his rights and then only when he wanted to punish somebody who was guilty of disobedience or of some other crime.

The land chief's and cattle chief's rights to fields and pastures will be considered later in the section dealing with the administration. Suffice it to say here that these tax-collectors had the right to evict people for certain offences and to allocate land to newcomers in their districts.

The person endowed with rights on land for cultivation purposes was the head of a family (*rugo*). Mostly these rights came to him from his father's inheritance. Sometimes, however, it was a part of the bush that he had himself cleared. If he had not received enough from his father to support his family, he extended his plot in this way with the agreement of the political authority. If, because of a dispute with his brothers, he wanted to move elsewhere and the land chief could not allocate him a field already prepared at the place where he wanted to settle, he did the same. Such a plot was called *bukonde* as long as it was occupied either by the man who had cleared it or by his descendants. A third source of cultivation rights was the assignment by the land chief of a plot already prepared (*inkungu*). The former user of it had either to be evicted by the authority, or had left, or had died without heirs.

In the same way the family head had the right to use a certain area as pasture for his cattle either by inheritance, or by felling the trees of a tract of forest or by having it conceded by the cattle chief.

At the end of the nineteenth century the inzu had no collective

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Sometimes these rights (bare ownership and usufruct) were possessed by the same person. The cattle concerned were then called *imbata*.[8]

3. INHERITANCE RULES

When the father died, the family unit of which he had been the head did not disappear as well. Some of the family functions had still to be carried on for some time: the younger sons had to be given a wife and the bride-wealth paid for them, the younger daughters had to be married, and perhaps young children had still to be taken care of by their mother for several years. In order that the family unit should be able to perform its tasks before its breakdown, it was necessary that the duties of the rugo head should continue to be fulfilled. Consequently the father chose one of his sons who could be trusted with that role (*umutware w'urugo rwa se:* head of his father's family). He was often, but not always, the eldest son of the first wife. The father could even choose a brother or one of his parallel cousins if he thought none of his sons was capable. The father's choice could always be reversed by the lineage head or the political chief or even the lord, if it appeared unwise to these authorities or if it was the cause of complaints from the other members of the family.

It was the father who was endowed, as we have just seen, with rights to land and cattle. The totality of these rights plus goods such as trees, huts, and household implements, constituted his patrimony.

If there was no declaration of will, custom determined the division of the patrimony according to the following rules.

The first heirs were the sons of the deceased, or, failing these, his brothers, then his paternal male parallel cousins, his grandsons, the sons of his brothers and their male paternal parallel cousins, his paternal uncles. Then any male in the inzu or the umulyango. If there was no known kinsman left, the political authority (land or cattle chief) or the lord was the heir. In that case the patrimony might be divided according to the kind of rights left, for instance those over cattle went to the lord, those over land to the land chief. Or the more powerful authority was able to secure for himself the whole of the inheritance.

[8] See Vanhove. 1941, pp. 48-59, for still other, but less important, rights over cattle.

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Nothing was definitely left to the wife, the daughters or the affines. But the wife had the usufruct of the rugo in which she had been living while she still had young children to care for. Even when all the children were married, it happened frequently among Tutsi that the wife remained in the rugo till her death. This was usual when the widow married one of her husband's consanguineal relatives, or did not marry again. If she married a man completely alien to her former husband's patrilineage, usually she had to leave the rugo.

The father, before he died, had already given a share of the inheritance to each of his married sons, at the time of the wedding. Consequently, what was left at the father's death had to be divided among the sons who had not yet received anything. In principle rights to cattle as well as to land were equally shared. When bare ownership of cattle was divided between the sons of a lord, the clients of the father became clients of the son to whom the bare ownership of a particular cow or herd of cattle had been ascribed. When usufruct on cattle had to be inherited, the successors became clients of the people who had the bare ownership of the same cattle. But the lord had to agree on the choice of his new client.

In a polygynous family the principle of equality of shares held good for each rugo. Consequently the shares of the sons of the same father could vary considerably if the number of sons of each wife was very dissimilar.

The son chosen as head of the rugo had a supplementary share (*ingarigari*) as he had more economic responsibilities. Normally he received it before his father's death. This was called *gukubita itoko*, to stroke the thigh, meaning to give a favour.

Debts owed by the deceased were divided between his heirs, but the family head had to meet a greater part than the others. Judiciary fines were cancelled by the death of the debtor. When the deceased was creditor, the debt had to be paid by the rugo head who shared it with his co-heirs.

The father could also make a will and usually did. He could alter the traditional procedure within rather narrow limits, and for reasons regarded as valid by the patrilineage head or sometimes the political chief or the lord. A son who had been cursed was *ipso facto* disinherited. A son could be punished in the same way

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without having been cursed but by being guilty of some major disobedience or lack of respect towards his father, such as beating him. The father could also give a greater share to the sons he preferred, but this had to be justified on grounds other than his personal feelings. It had to appear as a reward for particular devotion or good behaviour. The father could not skip a category of traditionally defined successors and still less could he leave his rights to non-relatives. The persons who felt that they had been wronged could always appeal to the different authorities mentioned.

As may be expected, matters of inheritance were causes of suspicion, rivalries, and disputes among the sons. Each wanted to be favoured by his father. Even if there was no will, an equal division of goods and rights so different in kind was not easy to achieve, particularly in a society without money or any other standard of value.[3]

4. LABOUR

Much labour had to be expended on the soil and on the stock to produce consumer goods. It was, therefore, not sufficient for the producer to possess a certain amount of capital (land, cattle), he had also to control labour. What were his rights over the labour of various individuals?

The labour of wives, unmarried sons, and daughters belonged almost exclusively to the father, head of the rugo. He could make all these dependants work in the rugo fields and he could require his sons to give tribute labour to the political authorities in his stead or to carry out services for his lord.

The different political authorities had rights over the labour of their subjects. These rights were limited either to certain tasks (e.g. to build or to mend the chief's enclosure), or to certain periods of time (e.g. two days each week). The mwami, the supreme political authority, did not usually require more than a chief but in theory all the men of Ruanda belonged to him and he could demand all their labour as well as take their lives.

According to the 'agreement' by which the lord granted the usufruct on certain cows, the client had, in return, to give a not precisely limited number of days of work. These labour rights and duties were inherited with the bare ownership and the usufruct of the cattle.

[3] See also Bourgeois, 1954, pp. 344 ff.

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ever she does, she does within the limits of her various feminine roles. However, the obligations of motherhood, of the household and of wifehood hardly prevent a woman from participating in other activities. Indeed, in Burundi, everyone is busy with politics —the large scale politics of the kingdom for the *abakuru*, the great ones, and the petty politics of daily life for the *abatoyi*, the humble folk. Women are not less interested in it than men, nor peasants less than princes. A peasant widow plays politics to obtain a length of cotton cloth or to protect against her enemies her rights to her little plot of cultivable land. A princess plays politics to obtain jewellery and cows and to decide a princely succession. A woman is sometimes driven by ambition for the sake of her son; sometimes it is to her advantage to help her husband; sometimes she enters the game entirely in her own interest. Peasant or princess, if a Rundikazi understands and desires happiness, if she knows how to dominate men in all subtlety, if she is clever and courageous, she may even defeat her own father or husband in the political game. The ambition of a Rundi or Rundikazi of inferior birth is seriously limited by the restrictive rules of the caste system. However, the ambition of a woman as such encounters only the sometimes purely apparent obstacle of a patriarchal, patrilineal system in which all the legitimate titles to wealth and power are for men.[4] Women who are ambitious and intelligent do not seem to be at a disadvantage in having to function in politics by indirect means and in secret. These are, in any case, the preferred methods of men in the delicate business of increasing power and wealth.

Thus, in Burundi as elsewhere, one finds charming but formidable matriarchs who have considerable authority and who are perhaps more intimidating than the harshest of patriarchs. On the other hand, most of the women of Burundi never even approach realization of the central values of the society. They must work to the limit of their strength so that they will not die of hunger. This is because most Rundi are of the inferior castes, where men and women share the wretchedness of the poor. It would be vain to try to calculate the difference between the misery of a man and that of a woman, if both of them are of inferior birth, without relatives or a feudal protector, old, weak and not very bright.

Neither a Rundikazi who wields great political influence nor a man of low caste who has more political power and wealth than his social superior is regarded as an outlaw. On the contrary, they are looked upon as clever and lucky. The social structure of Burundi, like that of other societies, does not describe behaviour. It only serves as a guide. A society would be crushed by the weight of

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and Tutsikazi are tall, dignified and elegant; they know how to give the impression of great control, of intelligence and of refinement. Hutu and Hutukazi are plainly farmers, short and sturdy, clumsy, made for work, and they seem to be vulgar, stupid, incapable of controlling their emotions or of speaking well. Nothing has so far been said of the poor Twa: like the Rundi, we have forgotten them. The Twa, pariahs, are, say the Rundi, without shame. They eat anything, they employ bad language. It is necessary to pay them for the pots their women make, for no Rundi will participate in economic exchanges of gifts and services or in social relations with them. We shall see further on that the stereotypes of superiors and inferiors according to caste can be used also in describing all other superior-inferior relationships.

To complete the description of the hierarchical order of Rundi society, it is necessary to include the kinship system. The familial hierarchy has the same pattern as the social hierarchy. All benefactors are called *umuvyeyi*, parent. The *mwami* is like a benevolent father, it is said, who likes the Rundi, his children. The nursing mother is the symbol of feminine generosity. The best way to thank a benefactress is by means of the formula: I am a nursing child at your generous breasts, or alternatively: you are to me as a freshened cow. The herders sometimes argue about the relative superiority of women and cows; both sources of milk appear to have their partisans.

Whatever the position of an individual in the social hierarchy, he will also have his place in the familial hierarchy. The head of a patrilineage, prince or pariah, is at the summit of the familial hierarchy. He is the *mukuru*, the highest, the oldest by rank, though not necessarily by chronological age. He speaks first, he drinks first, he must be respected and obeyed by his brothers, his sons, and the women of the patrilineage. The household consisting of a man and his wife and children is the smallest independent unit of Rundi society. There, the father of the family is *nyene rugo*, the master of his household. His children and his wife—if he is polygamous, his wives—owe him respect and obedience. Addressed in the familiar by his superiors, the father of the family addresses his inferiors in the familiar, in his capacity as a patriarch of almost absolute power. His wife kneels before him when she offers him his gourd of beer, and his child kneels before him to receive his blessing. (The Old Testament comes inevitably to mind at the sight.) Sons receive a part of their father's property as their inheritence not later than the time they receive a wife but are all their lives subjugated to their father's authority. The father chooses one of his

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sons as his heritor. The mother chooses one of her daughters as her heritor, to whom she will leave her clothing, her baskets and her pot of perfumed butter. Daughters inherit nothing from their father. Sooner or later, they leave his property to go to live with their husbands. Nevertheless, when a woman says, "my home", she is referring to her father's kraal. All her life she is, like her brothers, under her father's authority. After marriage she must also obey her husband, but her father will always have the greater authority over her. She herself is the superior of her younger sisters, of her children, and if there are any, of the inferiors, servants and serfs of her husband.

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The inferiority of women as women is only a special case of the general form of inferiority in Rundi society. However, both men and women have multiple roles in society. As a result, the superiority and inferiority of an individual are relative, rather than absolute, except *for the mwami* at the top of the hierarchy and the poor little Twakazi at the bottom. It has already been indicated that a social superior is sometimes inferior in the hierarchy of politics and economics. Also, the eldest brother may be the inferior of the youngest, in the likely event that the latter is chosen as the father's heritor. A Tutsikazi, the social inferior of her father and husband (provided the latter is not a Hutu), is nevertheless the superior of all the Hutu and Twa, of her children and those Tutsi who are the inferiors of her husband. Each Rundi must learn his place in relation to that of every other, calculate the distance and direction of the relationship, and find his way as well as he can through the social labyrinth.

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Despite the striking simplicity of its structure, the social hierarchy of Burundi allows for mobility and for some very complex variations in conduct. There is incontestable evidence of both constant efforts of men and women to improve their positions in society and of the associated phenomena of social instability and of fierce competition among the inferiors of a given superior. One may risk the generalization that the norms and rules dictated by the social structure will not survive a conflict with the values of wealth and power. One may say also that the greater the wealth and power of the superior, the more acute the rivalry and the more bitter the struggles among his inferiors. Thus, quarrels among Hutu, who are usually very poor, are rarely more than noisy spats quickly forgotten, while the silent hatreds of the Tutsi, born of the desire to own cows, sometimes explode in murder and fratricide. Quarrels among sisters, who inherit nothing of value, are rarely as bitter or prolonged as quarrels among brothers. On the other hand,

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Women of Burundi: A Study of Social Values

Many children represent happiness for both men and women in Burundi. Women adore babies, and a pregnant Rundikazi is a happy woman. Only very rarely do women go into the bush to look for the medicines that cause miscarriage. (For unwed mothers, the motivation is obviously different). It is not possible to find a Rundikazi, even a great-grandmother, who will admit that she is *umukechuru*, a woman beyond the age of child-bearing. A woman who is sterile, or who has had only one child and never again conceived believes that she has been cursed by her paternal aunt or is the victim of witchcraft. Some women produce Gargantuas, children they have carried for 11 months, or 15 months or even two years. The Rundi are by no means ignorant of the biological cause and signs of pregnancy.[16] They simply refuse to acknowledge any other alternative conditions than pregnancy or nursing mother. It is also not for a lack of knowledge of the biological facts that men have no interest in the *biological paternity* of their children. If a brother or cousin is the biological father, this is no more than is to be expected. If it is a stranger who has got his wife with child, he has made the husband a free gift. The father does not reproach his wife if she has conceived during one of his long absences from home, nor is he at all prejudiced against those of his children who have been fathered by other men, when the time comes to choose his heritor.[17]

Among the princes and the Tutsi of the very good patrilineages, the mother does not take care of the children except to nurse them. A governess, a woman from a family only slightly lower in the social scale than that of the child, looks after it. At present, the wealthy send their school-age children to European schools far from home. In the past, young adolescents were sent to be brought up by princes and princesses. Among the commoners, an infant is with its mother day and night. He is carried nude on her naked back and nursed at the first whimper. The mother plays with her baby, especially with her son, tickles it everywhere, and talks baby talk to it. She adores her baby, but the moment she finds herself pregnant again, she immediately weans her child. The child, who is probably between 18 and 24 months old, is abruptly separated from his mother. He is handed over to a brother, a sister, a grandmother, to anyone who will have him. Sometimes, the grandmother or a grown-up sister will permit a newly-weaned child to suck at the dry breast, but soon the child is put on the ground to crawl about, to play, and to learn that life is hard. It is not surprising that the mortality rate of newly-weaned children is very high.

If there has been a divorce, the departing wife takes with her